

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ARMAND R. CALHOUN,

Plaintiff,

v.

JAQUELINE SCOTT, et al.,

Defendants.

CASE NO. C21-981 MJP

ORDER DENYING MOTION TO
APPOINT COUNSEL AND
DISMISSING COMPLAINT WITH
PREJUDICE

This matter is before the Court on Plaintiff's motion to appoint counsel, (Dkt. No. 20), and the Court's prior order of dismissal, (Dkt. No. 24). Having considered the motion and taking note that Plaintiff has not filed a proposed amended complaint, the Court DENIES the motion and ORDERS the Complaint dismissed with prejudice.

The Court has discretion to request the appointment of counsel for a party unable to afford representation in a civil case. 28 U.S.C. § 1915(e). However, if a complaint filed in forma pauperis is frivolous or otherwise fails to state a claim, the Court must dismiss it prior to service. 28 U.S.C. § 1915(e)(2)(b)(i)–(ii). That is the case here. The Court declined to issue

1 summons and dismissed the Complaint because it was frivolous and failed to state a claim. (Dkt.
2 No. 24.) The dismissal was without prejudice and granted Plaintiff 30 days to file an amended
3 complaint that corrects the deficiencies the Court noted in its order. Plaintiff has not done so.
4 Instead, Plaintiff has filed a variety of documents, none of which can be considered a proposed
5 amended complaint as required by the dismissal order. (See Dkt. Nos. 25, 26, 27, 28, 29, 30,
6 31.) Plaintiff has still not articulated a clear injury or viable legal claim. Therefore, the Court
7 sees no reason to appoint counsel, which is only done under exceptional circumstances, taking
8 into account the likelihood of the plaintiff's success and their ability to articulate claims in light
9 of the complexity of the issues involved. See Agyeman v. Corr. Corp. of Am., 390 F.3d 1101,
10 1103 (9th Cir. 2004).

11 The Court also notes for the record of this proceeding that on October 20, 2021 Plaintiff
12 attempted to file a purported warrant with the apparently forged signature of the undersigned
13 Judge. It is a crime to forge the signature of a federal judge. See 18 U.S.C. § 505. Such conduct
14 will not be tolerated and will result in sanctions. Sanctions may include an order under the All
15 Writs Act, 28 U.S.C. § 1651(a), barring Plaintiff from further filings without leave of Court.
16 See De Long v. Hennessey, 912 F.2d 1144, 1147 (9th Cir. 1990).

17 Plaintiff's motion is DENIED and the Complaint is DISMISSED with prejudice.

18 The clerk is ordered to provide copies of this order to all parties or counsel.

19 Dated November 1, 2021.

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21 Marsha J. Pechman
22 United States Senior District Judge
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